

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:23-cr-15-M

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNY ORLIN SIMMONS,

Defendant.

ORDER

This matter comes before the court on Defendant's pro se motion for a downward departure or variance under the United States Sentencing Guidelines [DE 29]. The Fourth Circuit has stated, "a district court is under no obligation to consider a defendant's pro se motion when he is represented by counsel." *United States v. Hammond*, 821 F. App'x 203, 207 (4th Cir. 2020). Defendant is currently represented by court-appointed counsel. Accordingly, the motion is DENIED WITHOUT PREJUDICE.

SO ORDERED this 2nd day of May, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE